

## CATEGORICAL EXCLUSION DOCUMENTATION

NEPA No. DOI-BLM-ID-B010-2015-0001-CX

### A. BACKGROUND

**BLM Office:** Four Rivers Field Office

**Lease/Serial/Case File No.:**

**Proposed Action Title/Type:** Slickspot Peppergrass Ecological Reference Areas (Phase 2)

**Location of Proposed Action:**

LEPA MA5B Reference Area - T2N-R2E-Sec.30&31

LEPA MA 7 Reference Area – 2 - T1S-3E-Sec.17&20

LEPA MA 7 Reference Area – 3 - T1S-2E-Sec. 25 & 26

LEPA MA 8 Reference Area - T1S-4E-Sec. 13&24

LEPA MA 10 Reference Area – 2 - T5S-R9E Sec 5-8

Reverse Pasture 7 EO 61 - T5S R7E Sec 11

Reverse Pasture 9 EO 10 - T5S R8E Sec.30

**Description of Proposed Action:** BLM would construct up to seven slickspot peppergrass (LEPA) enclosures in the FRFO (Table 1, Map 1-Map 3). The enclosures (up to 979 acres and 7.3 miles of fencing) would be constructed of metal posts, with two strands of barbed wire (upper and middle strands) and one strand of smooth wire (bottom strand), in accordance with Boise District wildlife protection standards for fence construction. Cross-country vehicle travel would be minimized and would only occur when soils are dry. Vegetation removal along the fenceline would be minimized. The intention of the enclosures would be to protect good condition slickspot peppergrass element occurrences and their associated habitat from livestock grazing and off highway vehicles (OHVs). The small size of the enclosures relative to the affected grazing allotments would preclude the need to adjust livestock grazing permits. The excluded areas will allow for study of LEPA habitat in the absence of livestock grazing and off-highway vehicles (OHVs).

Table 1. Proposed slickspot peppergrass reference area enclosures and affected allotments, Ada and Elmore counties, Idaho

Name	LEPA EO	Exclosure Fence Miles	BLM Acres Excluded	Grazing Allotment	Total BLM Acres in Allotment
LEPA MA5B Reference Area <sup>1</sup>	102	0.78	121	Sunnyside Spring/Fall	152,728
LEPA MA 7 Reference Area – 2	27	2.38	401		
LEPA MA 7 Reference Area – 3	27	1.30	68		
LEPA MA 8 Reference Area	30	0.72	66	Bowns Creek	557
LEPA MA 10 Reference Area – 2	8	1.38	139	Hammett #2	1,637
Reverse Pasture 7 EO 61	61	0.28	74	Reverse	10,538
Reverse Pasture 9 EO 10	10	0.47	110		
<b>Total</b>		<b>7.31</b>	<b>979</b>		

<sup>1</sup> This portion of the allotment is not currently authorized for livestock use.

## **B. LAND USE PLAN CONFORMANCE**

**This Proposed Action is subject to the following land use plans:** The Jarbidge Resource Management Plan (JRMP), the Kuna Management Framework Plan (KMFP), and the Snake River Birds of Prey National Conservation Area Resource Management Plan (NCARMP).

**Date Plan Approved:** JRMP - March 1987; KMFP – March 1983; and NCARMP - September 2008.

**The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):**

JRMP – Maintain or improve the soil, vegetation, and watershed conditions (II-3).

KMFP – Range Management Objective 1.1 – Increase the vigor, density, and production of desirable vegetation on 276,336 acres.

NCARMP - The distribution, abundance, and vigor of SSPs will be maintained or improved (pg. 2-7).

The Proposed Action would comply with requirements of the 2006 (as amended in 2014) Slickspot Peppergrass Conservation Agreement (CA) between the U.S. Bureau of Land Management (BLM) and the Idaho State Office U.S. Fish and Wildlife Service-Snake River Fish and Wildlife Office (USFWS). Specifically, the Special Status Animal and Plant section for BLM Implementation Actions 1(c)(i) requires the BLM to: “Establish permanent ecological reference areas (ERAs) in selected EOs to evaluate land health conditions associated with slickspot peppergrass.” The objectives would be to:

- Protect portions of known slickspot peppergrass element occurrences and their associated habitat.
- Comply with section 1(c)(i) of the CA.
- Minimize impacts to other resources and permitted activities where possible.

## **C: COMPLIANCE WITH NEPA:**

**The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 X(X)**

### **Category Description:**

- A. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

Category description: Category J (Other) (9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:

**1. Have significant impacts on public health or safety.**

*Comments/Explanation:* Building new fences in an area already dominated by many miles of fence would not constitute a significant safety hazard because the public land users are accustomed to recreating and or operating in these areas.

Specialist Signature/Date: *Mark Steiger* 9/15/2014

**2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.**

*Comments/Explanation:* Four of the proposed exclosures are in the Morley Nelson Snake River Birds of Prey NCA and their construction would be in compliance with existing NCA regulation. Five of the exclosures also occur in existing Slickspot Peppergrass Management Areas and their construction would be in compliance with guidance established in both the 2006 Candidate Conservation Agreement (State of Idaho/USFWS) and the 2014 Conservation Agreement (BLM/USFWS). Construction of all seven exclosures would provide additional protection to existing slickspot peppergrass plants and the adjacent slickspot peppergrass habitat. The proposal would not affect any other natural resources or unique geographic characteristics.

Specialist Signature/Date: *Mark Steiger* 9/15/2014  
*Joseph Weldon* 9/15/2014  
*Dean Shaw* 9/15/2014

**3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].**

*Comments/Explanation:* The effects from building fences are not controversial. They are known and widely understood.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

*Comments/Explanation:* BLM has extensive experience building fences. The impacts are understood and at the small scale of this project, would not result in significant impacts.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.**

*Comments/Explanation:* This proposal would not establish a precedent for future actions. Any new proposals would be evaluated on their own merit. There are no connected actions associated with this proposal.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.**

*Comments/Explanation:* The impacts from fencing are ground disturbance and habitat fragmentation. Ground disturbance is limited to fence post holes and habitat fragmentation for wildlife is not an issue because fences would be constructed to allow wildlife movement. When these effects are added to past, present, and future actions (primarily currently permitted livestock grazing which occurs throughout the area; wildfires and associated emergency stabilization and rehabilitation projects; existing roads and rights-of-way; and military training activities in some areas), they do not constitute a significant effect.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.**

*Comments/Explanation:* Cultural resource surveys were conducted along a 100 foot corridor in which the enclosure would be placed. These surveys revealed that the proposed enclosures would not impact cultural resource sites that are listed or eligible to be listed on the National Register of Historic Places. The exact location +/- 10 feet has not yet been determined. Prior to fence construction, the projects would be flagged on the ground and the cultural resource specialist would conduct a more detailed survey of the fence location. If any cultural resources are located along the proposed fence line, the fence would be moved to avoid potential impacts.

Specialist Signature/Date: *Dean Shaw* 9/15/2014

**8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.**

*Comments/Explanation:* The proposed exclosures would be established around portions of known slickspot peppergrass element occurrences to protect these areas from the effects of livestock grazing and OHV use. This action would be in accordance with the 2014 CA between BLM and the USFWS. There are no other special status plant species known to occur in the vicinity of the proposed exclosures.

Plants Specialist Signature/Date: *Mark Steiger* 9/15/2014

*Comments/Explanation:* Some of the exclosures occur in the Morley Nelson Snake River Birds of Prey NCA. This area was set aside for the protection of the birds and habitat to help

maintain raptor populations. New fences pose the risk of raptor strikes with the fence line. Vinyl reflectors would be placed on the fenceline in accordance with district fence marking guidelines for wildlife which should increase visibility for raptors so fence collisions are reduced.

Wildlife Specialist Signature/Date: *Joseph Weldon* 9/15/2014

*Comments/Explanation:* There are no aquatic resources associated with the proposed upland exclosures.

Aquatics Specialist Signature/Date: *Joseph Weldon* 9/15/2014

**9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.**

*Comments/Explanation:* Construction and implementation of the proposed exclosures would be consistent and compatible with all known Federal, State, local and Tribal laws or requirements imposed for protection of the environment.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

*Comments/Explanation:* This project would not have a disproportionate or adverse effect on low income or minority populations.

Specialist Signature/Date: *Martin Espil* 9/15/2014

**11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

*Comments/Explanation:* Construction of the exclosures would not limit access to or ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

Specialist Signature/Date: *Dean Shaw* 9/15/2014

**12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

*Comments/Explanation:* The proposed exclosures would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of species. Ground disturbing activities would be minimal (pounding posts in the ground) and would not be expected to promote the spread of noxious weeds.

Noxious Weeds Specialist Signature/Date: *Lonnie Huter* 9/15/2014

**D: SIGNATURE**

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official:

Date: 10/27/2014

/s/ ***Patricia Roller***

Patricia Roller  
Field Manager  
Morley Nelson Snake River Birds of Prey NCA

/s/ ***Tate Fischer***

Tate Fischer  
Field Manager  
Four Rivers Field Office

**Prepared By/Contact Person:** Martin Espil, Rangeland Management Specialist